

# MIAMI TOWNSHIP ZONING BOARD OF APPEALS

**MARCH 3, 2014**

This meeting was called to order by Rick Goettke, Chairman.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Wayne Loudermilk, Todd Munro, Rod Trombley and Rick Goettke. Harry Holbert was unable to make the meeting.

Mr. Munro made a motion to approve the minutes of February 3, 2014 as presented, seconded by Mr. Loudermilk with all voting "YES".

Mr. Ethridge, Director of Community Development, was sworn in for the meeting.

The reading of Common Rules of Conduct was waived.

There were no continued hearings.

Public hearings: Case #850, Joe Farruggia, was called and the notice of public hearing was read. Mr. Ethridge explained the applicant is requesting a 10 foot front yard setback on 7 of 22 lots reducing the front yard setback from 40 feet to 30 feet.

Mr. Bob Rothert, engineer for applicant, came forward and was sworn in. Mr. Rothert explained the builder for the development has specific homes for the lots and because of the creek behind lots 20, 21 and 22 the buildable area and potential useable back yard of those lots is restricted. The depth of lots 1 and 2 have been reduced to accommodate the required retention pond and the setback variance for these two lots will allow for a variety of homes to fit on the lots. Lots 10 and 14 are located on either side of the cul-de-sac which has reduced the lot depth by 21 feet due to the required size of the cul-de-sac right of way. Modifying the setback on these two lots will allow them to recapture 10 feet of depth which will allow for a variety of homes to fit on the lots. The whole parcel of land is narrow which makes the lots wider and less deep than a typical lot. Mr. Rothert also explained where the sewer would be. The majority of the lots will accommodate the product being proposed.

Mr. Ben Taylor, of the Drees Company, came forward and was sworn in. Mr. Taylor stated the product they propose to build is of high quality and is better built on lots that are deeper.

Mr. Joe Farruggia came forward and was sworn in. Mr. Farruggia explained the topography of the property, where the creek is and where the sewer will be going through. Mr. Farruggia stated the variance request will help with the quality of product they plan to build.

Mr. Ethridge recommended the request be denied based on different front face building lines, the applicant has failed to prove a physical development hardship and each lot is a buildable lot.

At this time, Mr. Loudermilk recused himself from this hearing.

The open portion of Case #850 was closed and the Board discussed the Conditional Use that was approved for this property and at that time all of the lots were buildable, there was no clear hardship given for the request, what changed from the plan submitted with the Conditional Use and the builder could build a product with a different foot-print to make the home fit the lot.

Mr. Ethridge advised the Board that the applicant has asked if they could modify their request. The Board felt the request to modify should have to go through a review before being submitted to the Board.

Mr. Munro made a motion to deny the variance request of moving the front yard setback from 40 feet to 30 feet for Case #850, seconded by Mr. Trombley with all voting "YES".

**CASE #850 ~ VARIANCE REQUEST DENIED.**

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MARCH 3, 2014

Case #851, Todd Sloan, was called and the notice of public hearing was read. Mr. Ethridge explained the applicant is requesting a Conditional Use for an Assisted Senior Living Facility on Middleton Way. Mr. Ethridge explained how the applicant complies with the three required conditions for the Conditional Use. Those three conditions being access to the property must be from an arterial or collector street, the site design and building design must comply with sections 10.05 and 10.06 of Chapter 10 "B-1" Neighborhood Business District of the Miami Township Zoning Resolution and all projects are subject to the site plan review requirements of Chapter 27 of the Miami Township Zoning Resolution. Mr. Ethridge stated this will be a low density development generating very little traffic and there is more than sufficient parking spaces for this project. Mr. Ethridge advised that he is recommending the Board approve the Conditional Use.

The applicant, Mr. Todd Sloan, came forward and was sworn in. Mr. Sloan explained the size, cost and design of the three building proposed for this project noting they will be single story, approximately 4,100 square feet, 6 bedrooms (5 for residents and 1 for a caregiver), 6 ½ bathrooms, a common kitchen area, a common living room area, patio, locked fencing around the rear yards and the three building will cost approximately \$450,000.00 each. Mr. Sloan stated the three buildings will take up approximately one third of the 2+ acres. The rest of the property will remain undisturbed. Mr. Sloan also stated there is adjoining property with property that they are allowed to use, there will be no outdoor lighting and there will be landscaping.

The Board asked for adjoining property owners to come forward. Ms. Andrea Weast, of North Shadowhill Way, came forward and was sworn in. Ms. Weast stated she is not opposed to the project and just wanted to know how the project will impact her property with regards to privacy and lighting. Mr. Sloan stated there will be no outdoor lighting and the buildings will be Cape Cod looking one floor buildings.

Mr. Ethridge recommended the Conditional Use request be approved.

The open portion of Case #851 was closed.

Mr. Loudermilk made a motion to approve the Conditional Use request for Case #851 based on staff analysis and that all of the requirements have been met, seconded by Mr. Trombley with all voting "YES".

CASE #851 ~ CONDITIONAL USE APPROVED.

There was no new business or old business.

With no further business to come before the Board the meeting was adjourned

The next regularly scheduled meeting will be Monday, April 7, 2014 at 7:30 p.m.

Respectfully submitted,

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Richard Goettke, Chairman

Jo Brotherton, Secretary

Sound reference

C: Zoning Board Members BZA & RZC  
Board of Trustees  
Director of Community Development  
Zoning Administrator  
Fiscal Officer  
File